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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,  
 JEREMY DAVIS, CHRISTOPHER  
 CASTILLO, and MONIQUE TRUJILLO  
 individually and on behalf of all similarly  
 situated,

Plaintiffs,

vs.

GOOGLE LLC,  
 Defendant.

William Christopher Carmody  
 (admitted *pro hac vice*)  
 Shawn J. Rabin (admitted *pro hac vice*)  
 Steven M. Shepard (admitted *pro hac vice*)  
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Case No.: 4:20-cv-03664-YGR-SVK

**PLAINTIFFS' ADMINISTRATIVE  
 MOTION REGARDING THEIR  
 RENEWED REQUEST TO DEPOSE  
 GOOGLE CEO SUNDAR PICHAI**

The Honorable Susan van Keulen

1 Pursuant to Civil Local Rule 7-11, Plaintiffs respectfully seek the Court's guidance  
2 regarding their request to depose Google CEO Sundar Pichai.

3 On April 4, 2022, Judge Gonzalez Rogers vacated the Order (Dkt. 365) permitting Mr.  
4 Pichai's deposition on the basis that the Order did not "consider whether Mr. Pichai has 'unique  
5 or superior personal knowledge'" or "address whether plaintiffs exhausted all less intrusive means  
6 of discovery with respect to Mr. Pichai." Dkt. 523. Judge Gonzalez Rogers noted that the record  
7 was not sufficient for the Court "to undertake the analysis itself" but vacated "without prejudice  
8 to renewing the request if the appropriate foundation is established." Dkt. 523.

9 Plaintiffs wish to renew their request to depose Mr. Pichai, so that the appropriate  
10 foundation is established, and Plaintiffs believe they can submit additional evidence further  
11 establishing that Mr. Pichai has unique and superior personal knowledge and that Plaintiffs have  
12 exhausted all less intrusive means of discovery.

13 On April 5, 2022, Plaintiffs proposed to Google a stipulation where Plaintiffs would  
14 postpone renewing their request to depose Mr. Pichai until after the depositions of Lorraine  
15 Twohill (proceeding pursuant to Your Honor's prior Order and per Dkt. 523) and Sabine Borsay  
16 (proceeding pursuant to prior Orders from Your Honor). *See* Declaration of Rossana Baeza.

17 Google did not respond until about three weeks later, on April 27, 2022, after Plaintiffs  
18 reached out again earlier that day. *Id.* Google rejected the proposed stipulation. *Id.* Google  
19 claimed the Court's Order (Dkt. 523) "is clear and a stipulation is unnecessary." *Id.*

20 Plaintiffs now respectfully seek the Court's guidance on next steps for their renewed  
21 request to depose Mr. Pichai. Plaintiffs initially proposed briefing after completing the depositions  
22 of Ms. Twohill and Ms. Borsay, two remaining Google witnesses. Plaintiffs, however, are  
23 concerned with issues Google raised that have further delayed the scheduling of Ms. Borsay's  
24 deposition. That deposition was originally proposed for the second week of May, but Google has  
25 since tried to postpone it to at least late June.

26 Plaintiffs do not anticipate needing Mr. Pichai's deposition testimony for purposes of class  
27 certification (subject to Google not relying on Mr. Pichai to respond to Plaintiffs' forthcoming  
28

1 motion for class certification), but Plaintiffs want to ensure an opportunity to depose Mr. Pichai  
 2 before any summary judgment briefing, as Mr. Pichai has unique, firsthand knowledge of key  
 3 issues.

4 Plaintiffs are willing to proceed however the Court wishes with their renewed request. As  
 5 one possibility, provided the parties can complete Ms. Borsay's deposition in the coming months,  
 6 Plaintiffs would respectfully request permission to submit a brief of no more than five pages (with  
 7 a supporting declaration and exhibits) within 21 days of Ms. Borsay's deposition. If there is further  
 8 delay with Ms. Borsay, then Plaintiffs would respectfully update the Court.

9  
 10 Dated: April 29, 2022

Respectfully submitted,

11 By: /s/ Mark C. Mao

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